

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 08/06/2012
POSITION: Neutral
SPONSOR: Public Counsel Law Center

BILL NUMBER: AB 2616
AUTHOR: Carter, Wilmer

BILL SUMMARY: School districts: truancy.

This bill would provide school administrators with more discretion in classifying students as truants and in imposing consequences for truancy in an effort to focus truancy-reduction efforts away from the law enforcement and court systems. This bill would also make permissive the current requirement that students found truant a fourth time within a school year be referred to juvenile court and would reduce the maximum fine that may be levied by the court against a truant student.

FISCAL SUMMARY

This bill could reduce court costs by an undetermined amount to the extent that fewer truant students are referred to juvenile courts. Currently, a student issued his or her fourth truancy report in the same school year is determined to be within the jurisdiction of the juvenile court. This bill would make that determination permissive, potentially reducing the number of students referred to juvenile courts. It is unknown how many truant students are referred to juvenile courts each year in California, but it is likely to be a small percentage of the estimated 1.7 million students classified as truants in California annually.

This bill could also result in reduced state costs for two existing mandated programs because it would give school administrators more discretion in determining what constitutes a valid excuse for the purpose of determining whether a student is truant. Estimated annual costs for the "Notification of Truancy" and "Habitual Truant" mandates are approximately \$14.5 million and \$6.5 million, respectively. To the extent that fewer students are classified as truant, costs for these mandates would decrease.

COMMENTS

The Department of Finance is neutral on this bill but notes the following:

- Most of the bill's provisions can be implemented under existing statute. Current law allows but does not require a particular consequence upon the issuance of the first or second truancy report; therefore, schools may choose to request a meeting with a truant student and his or her parents and delay the involvement of law enforcement, as this bill allows. Current law sets a maximum fine that may be levied against a truant student found to be a ward of the court; therefore, juvenile courts may choose to set a lower fee, if warranted.
- It is unclear whether the bill would result in fewer trancies statewide. According to the author's office, understanding and addressing the root causes of a student's attendance problem is more likely to bring a child back to school. However, this bill does not provide school administrators with any significant, new authority or resources to address truancy issues.
- We note that costs associated with two state-mandated programs could decrease, to the extent that school administrators classify fewer students as truant. Further, the bill could reduce court costs as a result of fewer truant students being referred to juvenile courts.

Analyst/Principal (0352) L.Del Castillo	Date	Program Budget Manager Nicolas Schweizer	Date
Department Deputy Director		Date	
Governor's Office:	By:	Date:	Position Approved _____ Position Disapproved _____
BILL ANALYSIS			Form DF-43 (Rev 03/95 Buff)

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COMMENTS (continued)

In the 2009-10 school year, approximately 1.7 million California students (28 percent) were considered truant (unexcused absences or tardies on three or more days). The author's office cites a 2011 Los Angeles County task force on delinquency that found the use of school-based rather than law enforcement-based interventions helped improve attendance and reduce rates of chronic absence. In an effort to focus truancy-reduction efforts away from the law enforcement and court systems, this bill would do the following:

- Define "valid excuse" as it pertains to determining truancy by referencing existing statute on excused absences for computing average daily attendance. Further, this bill would give a school administrator discretion to accept other reasons as a valid excuse, based on a student's circumstances.
- Upon issuance of the first truancy report, allow a school to request that the student and, as appropriate, the student's parent or guardian, meet with a school counselor to develop a plan to approve the student's attendance.
- Allow a student to be given a written warning from a peace officer upon issuance of the *second* truancy report. Currently, this warning is allowed upon issuance of the *first* truancy report.
- Make permissive that, upon issuance of the fourth truancy report, a student is within the jurisdiction of the juvenile court that may determine the student to be a ward of the court. Currently, a student who is truant a fourth time is automatically determined to be within the jurisdiction of the juvenile court (although statute does not require the court to take action).
- Decrease from \$100 to \$50 the maximum fine that can be levied against a truant student and specify that this fine is not subject to additional state penalties. Current statute requires that a truant student who is determined by the juvenile court to be a ward of the court is required to do one or more specified activities, one of which is payment of a fine.

Current law requires that a student be reported as a truant when that student is absent from school without a valid excuse three full days in one school year or tardy or absent for more than a 30 minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. Subsequent truancy reports are required when a student who has been reported as a truant is again absent from school without a valid excuse one or more days, or tardy on one or more days. A student must be classified as a habitual truant upon the third truancy.

Penalties for being reported as a truant the first through third times are permissive: the student may be required to attend makeup classes; the pupil may be given a written warning by any peace officer upon the first report; the pupil may be assigned to an afterschool or weekend study program upon the second report; and the student may be required to attend an attendance review board or truancy mediation program upon the third report. Upon a student's fourth report as truant, the student is deemed within the jurisdiction of the juvenile court and is subject to at least one of several specified penalties.

BILL ANALYSIS--(CONTINUED)**Form DF-43****AUTHOR****AMENDMENT DATE****BILL NUMBER**

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Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)					
	LA	(Dollars in Thousands)					
	CO	PROP					Fund
	RV	98	FC	2012-2013 FC	2013-2014 FC	2014-2015	Code
6110/Dept of Educ	LA	Yes		----- See Fiscal Summary -----			0001
0250/Jud Branch	LA	No		----- See Fiscal Summary -----			0932
<u>Fund Code</u>		<u>Title</u>					
0001		General Fund					
0932		Trial Court Trust Fund					